

CHAPTER 78

PUBLIC UTILITIES

SENATE BILL 07-022

BY SENATOR(S) Veiga, Bacon, Boyd, Groff, Isgar, Morse, Romer, Schwartz, Shaffer, Tapia, Tochtrop, Williams, and Windels; also REPRESENTATIVE(S) Frangas, Borodkin, Butcher, Carroll M., Casso, Gibbs, Green, Hodge, Labuda, Levy, Marostica, Peniston, Primavera, Solano, and Todd.

AN ACT

CONCERNING THE AUTHORITY OF THE PUBLIC UTILITIES COMMISSION TO CONSIDER THE NEEDS OF LOW-INCOME HOUSEHOLDS WHEN SETTING UTILITY RATES FOR ENERGY.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 40-3-106 (1) (a), Colorado Revised Statutes, is amended, and the said 40-3-106 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

40-3-106. Advantages prohibited - graduated schedules - consideration of household income and other factors - definitions. (1) (a) Except when operating under ~~paragraph (c)~~ PARAGRAPH (c) OR (d) of this subsection (1) or pursuant to article 3.4 of this title, no public utility, as to rates, charges, service, or facilities, or in any other respect, shall make or grant any preference or advantage to any corporation or person or subject any corporation or person to any prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to rates, charges, service, facilities, or in any respect, either between localities or as between any class of service. The commission has the power to determine any question of fact arising under this section.

(d) (I) NOTWITHSTANDING ANY PROVISION OF ARTICLES 1 TO 7 OF THIS TITLE TO THE CONTRARY, THE COMMISSION MAY APPROVE ANY RATE, CHARGE, SERVICE, CLASSIFICATION, OR FACILITY OF A GAS OR ELECTRIC UTILITY THAT MAKES OR GRANTS A REASONABLE PREFERENCE OR ADVANTAGE TO LOW-INCOME CUSTOMERS, AND THE IMPLEMENTATION OF SUCH COMMISSION-APPROVED RATE, CHARGE, SERVICE, CLASSIFICATION, OR FACILITY BY A PUBLIC UTILITY SHALL NOT BE DEEMED TO SUBJECT ANY PERSON OR CORPORATION TO ANY PREJUDICE, DISADVANTAGE, OR UNDUE DISCRIMINATION.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(II) AS USED IN THIS PARAGRAPH (d), A "LOW-INCOME UTILITY CUSTOMER" MEANS A UTILITY CUSTOMER WHO:

(A) HAS A HOUSEHOLD INCOME AT OR BELOW ONE HUNDRED EIGHTY-FIVE PERCENT OF THE CURRENT FEDERAL POVERTY LEVEL; AND

(B) OTHERWISE MEETS THE ELIGIBILITY CRITERIA SET FORTH IN RULES OF THE DEPARTMENT OF HUMAN SERVICES ADOPTED PURSUANT TO SECTION 40-8.5-105.

(III) WHEN CONSIDERING WHETHER TO APPROVE A RATE THAT MAKES OR GRANTS A REASONABLE PREFERENCE OR ADVANTAGE TO LOW-INCOME UTILITY CUSTOMERS, THE COMMISSION SHALL TAKE INTO ACCOUNT THE POTENTIAL IMPACT ON, AND COST-SHIFTING TO, UTILITY CUSTOMERS OTHER THAN LOW-INCOME UTILITY CUSTOMERS.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 2, 2007